

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EARL L. TABRON, JR.,

Civil Action No. 02-2695

Plaintiff,

v.

RADIO SHACK, JOHN V. ROACH,
GEORGE KUNNEY AND
DARRYL J. FERRARA

**DEFENDANTS RADIOSHACK AND
JOHN V. ROACH'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO RULE 37(b)(2)(C) FOR
FAILURE TO COMPLY WITH ORDER
COMPELLING DISCOVERY**

Defendants.

Defendants Radio Shack Corporation and John V. Roach (hereinafter "Defendants") by their counsel, move this Court for an Order Dismissing the Complaint of Plaintiff Earl L. Tabron, Jr. ("Plaintiff") for failure to comply with the Court's July 24, 2003 Order that such discovery must be supplied by August 7, 2003. This motion is made pursuant to Federal Rules of Civil Procedure 37(b)(2)(C).

The grounds for this motion are that Plaintiff has failed to produce any discovery, either the self executing discovery obligations of Rule 26(a) or responses to Defendants' Interrogatories or Requests for Production of Documents. The facts supporting the grant of this Motion are set forth in the Certification of David Rapuano, accompanying this Motion.

WHEREFORE, defendants ask that the Court enter an Order:

1. Dismissing Plaintiff's Complaint with prejudice.

ARCHER & GREINER
A Professional Corporation

By: _____
DAVID A. RAPUANO